

Robert Hyma/Mar-Bo property
7400 48th Avenue (70-14-18-300-018)
Attachment to Application for Zoning Appeal (“Variance Request”)

Facts:

- a) Robert Hyma (“Bob”) is currently the owner of the entire parcel. The property is zoned Rural Residential.
- b) Bob is also the sole shareholder of Mar-Bo Flowers Inc, which operates the greenhouse business on that property.
- c) Bob & Pam Hyma’s home is currently on the front portion of the property; Mar-Bo Flowers’ greenhouse operations is on the back portion of the property.
- d) Bob is 71 years old and wants to retire. He is in the process of turning over operation of Mar-Bo Flowers to his sons Chad Hyma and Chris Hyma. Bob has lived in the home for 30 years and has found immense value in being able to walk out the back door and walk less than 100’ to the door of the greenhouses to check on the flowers and greenhouse operation.
- e) Chad and Chris have been employed in the greenhouse business for over 25 years and want to take it over.
- f) Bob’s son Chad currently lives in the home on the south side of the driveway (7376 48th Ave.).
- g) Bob’s son Chris lives elsewhere but wants to purchase Bob’s home so that he is closer to the greenhouse; that will give Bob the opportunity to move elsewhere. Chris plans to live in the house and operate the greenhouse with Chad for many years to come.
- h) The greenhouse building that is closest to the home is used for growing flowers; the greater activity (such as shipping) is 90’ east of the proposed property line.
- i) The plan is,
 - o to split the “home” property and the “greenhouse” property;
 - o for Chris to purchase the “home” property;
 - o for Bob’s sons to have a 10 year “lease to own” the greenhouse property;
 - o if Bob dies, then the sons will inherit the greenhouse property.
- j) This variance request is important so that Bob can then address the ownership of the “greenhouse” property as part of his succession planning for the greenhouse business.

Request for Variance:

Bob Hyma requests that Georgetown Township grant 2 Variances i) a Variance from the RR 20’ side yard setback of Chapter 24 District Regulations, and ii) a Variance from the 50’ setback for agricultural buildings from any lot line [Section RR 7.3(C)(2)]. The proposed property line will be 10’ from the west greenhouse building and the generator shed.

The purpose for the Variances is so that Bob can sell the front portion of the property and the home to his son Chris, who will live there and operate the greenhouse with Chad.

Attachment A-1 is a view of the overall property with the proposed property line of the “greenhouse” parcel outlined.

Attachment A-2 is a more detailed view of the western part of the greenhouse parcel.

Details:

- 1) Requested ten-foot (10') side yard setback to the west boundary line of the greenhouse property.
 - a) The landscaping and the underground sprinkling are part of the home and it is logical that those should stay with the home.
 - b) The greenhouse property boundary that runs east to west along the edge of the concrete is 55 feet from the NW corner of the home. See notation on Attachment A-2.
- 2) Bob is in the process of purchasing the vacant property at 4708 Fox View Drive. When that property is purchased and if this Request for Variance is approved,
 - a) The 4708 Fox View Drive property will be merged with the greenhouse property, making the front of the greenhouse property on Fox View Drive.
 - b) A deed restriction will be imposed on the Fox View Drive property that for as long as that property is merged with the greenhouse property, the Fox View Drive frontage will not be used for commercial truck traffic serving the greenhouse property.
 - c) The Greenhouse property would have a permanent easement for the driveway and gravel drive from 48th Ave to the north side of the greenhouse (current driveways will stay in place).
- 3) If this Variance Request is approved,
 - a) Bob will remove part of the pool deck to ensure a 20' distance from the new edge of the pool deck to the wall of the greenhouse.
 - b) A survey will be obtained to create the deeds for the "home" property, the "greenhouse" property and the "merged" property as well as the easement.
- 4) This proposal has been reviewed with the Georgetown Township Zoning Administrators.
- 5) Use of the "home" property and the "greenhouse" property will not change as a result of granting the Variance Request.